Brazil

In 2014 Brazil passed the "Marco Civil da Internet," or Internet Bill of Rights, which protects user privacy, guaranteed freedom of online expression, and enshrined net neutrality in law. However, the year was also marked by rising violence against journalists and several instances of judicial censorship.

Legal Environment

Brazil has strong constitutional guarantees of freedom of expression. Various forms of libel and defamation remain criminalized in Brazil, although most of the numerous lawsuits that arise each year are filed under civil statutes.

Judicial censorship—in which courts bar media outlets from publishing information about prominent politicians and businesspeople, demand the removal of published material, or order journalists to pay hefty fines for disseminating information—remained common in 2014. In September, at the height of campaign season for October presidential and legislative elections, a state court in Ceará banned the distribution of an issue of the national weekly magazine *IstoÉ*. The issue reported on the alleged participation of Ceará governor Cid Gomes in a corruption scandal involving the state-controlled oil company Petrobrás. The magazine appealed to the Supreme Court, which reversed the decision days later. In November, the Federal Police requested access to phone records of journalist Allan de Abreu and the newspaper *Diário da Região* as part of their investigation into whether the journalist improperly revealed classified information in the stories he wrote about a 2011 Federal Police operation that shut down a corruption scheme in São Paulo. A federal court granted the request, which the Brazilian Association for Investigative Journalism (ABRAJI) alleged was a ruse intended to give police access to information that would enable them to identify Abreu's source. Since 2009, one of the most important daily newspapers in the country, *O Estado de São Paulo*, has been under a censorship order that prohibits it from publishing news related to a police operation and business dealings involving relatives of former president José Sarney.

While Google Transparency reports show that the Brazilian government made 37 percent fewer requests to remove online content in 2014 than it did in 2013, bloggers continue to face high levels of judicial censorship. In November, a state court ordered reporter José Cristian Góes, from the state of Sergipe, to pay more than $11,000 in damages to Judge Edson Ulisses de Melo, who argued that he suffered personal injury from a fictional story about political cronyism that Góes had posted on his blog in 2012. In 2013, the journalist had been sentenced to more than 7 months in prison for the same posting; his jail time was commuted to community service.

A highlight of 2014 was the passage of the "Marco Civil da Internet," a bill of digital civil rights. The legislation, which was drafted through a collaborative process involving civil society organizations, telecommunications companies, government agencies, and private individuals, has been celebrated as a model for other countries to follow. The law enshrines net neutrality, the right of privacy, and freedom of expression online. The most significant downside to the law is the requirement that data connection and service providers retain user data for one year; however, the information can only be accessed with a court order. Also in 2014, a working group formed by government officials, media professionals, and citizen journalists to investigate attacks on the press and to generate recommendations to the government released its report. So far, concrete measures have not been taken to adopt the recommendations.

In 2012, Brazil passed a comprehensive freedom of information law, guaranteeing public access to

documents from the executive, legislative, and judicial branches of government at the federal, state, and municipal levels. The law also provides for access to information about private entities that receive public funding. Moreover, the law stipulates that information about human rights violations is not exempt from disclosure.

Political Environment

According to the Committee to Protect Journalists (CPJ), three journalists were killed in direct connection with their work in 2014. In February, Santiago Ilídio Andrade, a cameraman for the national television network Bandeirantes, was hit in the head by large firework-style explosive device apparently thrown by protesters while covering a demonstration against bus fare increases in Rio de Janeiro; he died four days later. Two protesters were arrested and, as of the end of 2014, were awaiting trial for their role in the reporter's death. Also in February, Pedro Palma, a journalist and owner of the weekly newspaper *Panorama Regional*—which published stories about corruption and negligence among local governments in Rio de Janeiro state—was gunned down by two unidentified men in front of his home in Miguel Pereira. In December, blogger Marcos de Barros Leopoldo Guerra was shot dead by unidentified assailants in Ubatuba, a city on the northern coast of São Paulo state. The assailants opened fire through Guerra's kitchen window, killing him inside his home. Guerra, who was also a lawyer, had published articles on his blog *Ubatuba Cobra* criticizing local authorities and accusing them of corruption. According to several other monitoring organizations, Geolino Lopes Xavier, a journalist and executive at the N3 news portal, was also killed in connection with his work in 2014. In February, while driving a car belonging to N3 in Bahia, Xavier was shot dead by unidentified men in another car.

Journalists were also subject to threats and physical violence throughout 2014, particularly in the first six months of the year, when many were caught up in the wave of protests that swept the country. FENAJ documented 129 incidents of aggression against journalists in 2014, 77 of which occurred during the protests. Law enforcement personnel were responsible for more than 60 percent of the year's attacks.

In September 2014, a court issued a decision in the case of Alexandro Wagner Oliveira da Silveira, a photojournalist who was hit in the left eye by a police rubber bullet while covering a 2000 protest in São Paulo. Silveira lost 80 percent of his sight in the injured eye and successfully sued the state of São Paulo for damages. The state appealed, and the September decision reversed the initial ruling. The judge in the case declared Silveira to be solely responsible for the incident, and asserted that the journalist should have anticipated danger and left the protest area. Moreover, the judge ordered Silveira to pay all legal fees associated with the proceedings.

Impunity for crimes against journalists remains a problem, and Brazil was ranked 11 on the CPJ's April 2014 Impunity Index. However, some progress has been made in prosecuting murderers of media professionals. In February 2014, the gunman who confessed to killing journalist Décio Sá in 2012 was convicted and sentenced to about 25 years in prison; the driver of the motorcycle the killer used to escape the crime scene was sentenced to 18 years. Sá worked for the newspaper *O Estado do Maranhão* and had a popular independent blog. According to the police, he was targeted after posting on his blog a story about the murder of a local businessman who was allegedly involved in illegal activities. In August 2014, former detective Lúcio Lírio Leal was sentenced to 12 years in prison for the murder of journalist Rodrigo Neto in Minas Gerais. The crime occurred in March 2013, while the reporter from Rádio Vanguarda and the newspaper *Vale do Aço* investigated the existence of an "extermination group" formed by local policemen who hunted down and summarily executed criminals. In both cases, additional suspects are in jail, awaiting trial.

Economic Environment

Brazil is South America's largest media market, with thousands of radio stations, hundreds of television channels, and a variety of major newspapers. Nearly 58 percent of the population had access to the internet in 2014. Ownership of mass media continues to be highly concentrated among a few major companies. The Grupo Globo conglomerate dominates the media landscape, controlling Brazil's principal television, cable, and satellite networks as well as several radio stations and print outlets. Another company, Editora Abril, leads Brazil's magazine market. According to the independent media-monitoring group Media Owners (Donos da Mídia), hundreds of politicians nationwide are either directors or partners in over 300 media companies, most of these being radio or television stations.

Media diversity is also hampered by the difficulty of obtaining community radio licenses. It can take up to 10 years to get a license, and only those stations transmitting at fewer than 25 watts qualify as "community" stations, meaning that those transmitting at 25 to 100 watts are often forced to operate illegally. The Brazilian Association of Community Radios (ABRAÇO) is collecting signatures as part of a popular campaign aiming to democratize the current legislation, which dates from 1998.